

## **§ 8.13**

### **§ 8.13 Right to counsel.**

Each interested party shall have the right to appear in person or by counsel or other representative in any proceeding before the Board.

### **§ 8.14 Consolidations.**

Upon its own initiative or upon motion of any interested party, the Board may consolidate any proceeding or concurrently consider two or more appeals which involve substantially the same parties, or issues which are the same or closely related, if it finds that such consolidation or concurrent review will contribute to a proper dispatch of its business and to the ends of justice, and it will not unduly delay consideration of any such appeals.

### **§ 8.15 Motions; extensions of time.**

(a) Except as otherwise provided in this part, any application for an order or other relief shall be made by motion. Except when made orally before the Board, motions shall be in writing and shall be accompanied by proof of service on all other parties. If a motion is supported by briefs, affidavits, or other papers, they shall be served and filed with the motion. Any party may respond to the motion within such time as may be provided by the Board.

(b) Requests for extension of time as to the filing of papers or oral presentation shall be in the form of a motion under paragraph (a) of this section.

### **§ 8.16 Oral proceedings.**

(a) With respect to any proceedings before it, the Board may upon its own initiative or upon request of any interested party direct the interested parties to appear before the Board or its designee at a specified time and place in order to simplify the issues presented or to take up any other matters which may tend to expedite or facilitate the disposition of the proceeding.

(b) In its discretion, the Board or a single presiding member may permit oral argument in any proceeding. The Board or the presiding member shall prescribe the time and place for argument and the time allocated for argument. A petitioner wishing to make

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oral argument should make the request therefore in the petition.

### **§ 8.17 Decision of the Board.**

(a) Unless the petitioner consents to disposition by a single member, decisions of the Board shall be by majority vote.

(b) Where petitioner consents to disposition by a single member, other interested parties shall have an opportunity to oppose such disposition, and such opposition shall be taken into consideration by the Board in determining whether the decision shall be by a single member or majority vote.

### **§ 8.18 Public information.**

Subject to the provisions of part 70 of this title, all papers and documents made a part of the official record in the proceedings of the Board and decisions of the Board shall be made available for public inspection during usual business hours at the Office of the Administrative Review Board, U.S. Department of Labor, Washington, DC 20210.

### **§ 8.19 Equal Access to Justice Act.**

Proceedings under the Service Contract Act and the Contract Work Hours and Safety Standards Act are not subject to the Equal Access to Justice Act (Pub. L. 96-481). Accordingly, in any proceeding conducted pursuant to the provisions of this part 8, the Board shall have no power or authority to award attorney fees and/or other litigation expenses pursuant to the Equal Access to Justice Act.

## **PART 9—NONDISPLACEMENT OF QUALIFIED WORKERS UNDER SERVICE CONTRACTS**

### **Subpart A—General**

Sec.

- 9.1 Purpose and scope.
- 9.2 Definitions.
- 9.3 Coverage.
- 9.4 Exclusions.

### **Subpart B—Requirements**

- 9.11 Contracting agency requirements.
- 9.12 Contractor requirements and prerogatives.